CWP No. 1789 of 2007

27.12.2007 Present: Mr. Vijay Bhatia, counsel for the petitioner.

Mr. M.S. Chandel, Advocate General with Mr. R.M. Bisht, Deputy Advocate General for respondents.

The petitioner by means of this petition has prayed that he should be granted a vacant seat in the course of B.Sc. Medical Technology (Laboratory) in Dr. Rajinder Prasad Medical College Kangra at Tanda. The petitioner appeared in the test for this course and obtained 52 marks out of 100. The petitioner belongs to the Schedule Caste category. After the counselling was done in Indira Gandhi Medical College, one seat belonging to S.C. category and one seat belonging to general category fell vacant. Thereafter, two candidates from Dr. Rajinder Prasad Medical College joined the vacant seats in the Indira Gandhi Medical College. Resultantly, one seat of the S.C. category and one seat in the general category fell vacant in Dr. Rajinder Prasad Medical College. These seats were offered to the persons next in merit. Though the seat of the S.C. category was filled up, the seat under the general category is still lying vacant. The case of the petitioner is that he should be granted admission against the seat vacant.

Reply has been filed and in the reply it is stated that the cut off date of admission was 16.10.2007 i.e. one month after the date of admission and no admission can be granted at this stage. Even without entering into this controversy we find that as per the reply, even in the S.C. category there are

six candidates higher in merit than the petitioner. The seat in question belongs to the general category. There may be many more candidates higher in merit than the petitioner. Even in the S.C. category there are many candidates higher in merit than the petitioner. Therefore, even if we do not take into consideration the cut off date of admission admission cannot be granted to petitioner. The petition is without merit and is rejected.

(Deepak Gupta),J.

December 27, 2007 **(V.K.Ahuja),J.**
(BSS)